

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**DONNA RATLIFF**

**CIVIL ACTION NO. 05-1194**

**VS.**

**JUDGE DOHERTY**

**BAY LTD.**

**MAGISTRATE JUDGE METHVIN**

**RULING ON MOTION TO COMPEL**  
***(Rec. Doc. 23)***

Before the undersigned magistrate judge is the Motion to Compel Deposition of Donna Ratliff filed by defendant, Bay Limited (“Bay Ltd.”), on October 26, 2006. Mover seeks an order requiring plaintiff, Donna Ratliff, “to make herself available for deposition in Louisiana at a mutually convenient time before January 15, 2007.” The record shows that mover’s counsel has sent numerous letters and e-mails to plaintiff’s counsel requesting dates for plaintiff’s deposition. After a number of unanswered letters, plaintiff’s counsel provided dates for plaintiff’s deposition in San Diego, where she now lives. Mover’s counsel objected, and made further efforts to schedule something in Louisiana, with no success. The instant motion to compel is unopposed.<sup>1</sup>

Considering the foregoing,

**IT IS HEREBY ORDERED** that Bay Ltd.’s Motion to Compel is **GRANTED**.

Plaintiff, Donna Ratliff, shall make herself available for deposition in Louisiana at a mutually convenient time on or before January 15, 2007.

**IT IS FURTHER ORDERED** that, pursuant to F.R.Civ.P. 37(a)(4), plaintiff shall pay the attorney’s fees and costs incurred in connection with the filing and prosecution of the instant

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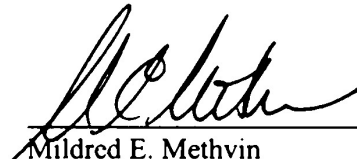
<sup>1</sup> Local Rule 7.5W requires that written opposition to a motion be filed within 15 days after service of the motion. Plaintiff has not filed an opposition.

motion to compel. Counsel for Bay Ltd. shall file a motion to set attorney's fees and an affidavit of fees and costs into the record **on or before December 15, 2006** in order to assist the court in the assessment of a reasonable fees and costs award. The affidavit(s) shall contain: (1) The customary hourly rate of each attorney and paralegal involved; (2) a detailed description of each task completed, and a statement of the amount of time expended upon each task; and (3) an itemized list of expenses incurred. Failure to file the affidavit in the form required and/or within the deadline imposed will render the award null and void. **Objections to the affidavit shall be filed on or before December 29, 2006.**

The Clerk of Court shall notice any motion and affidavit filed for consideration on the undersigned's January 2007 motion calendar, without oral argument, as an "assessment of Rule 37(a)(4) fees and expenses."

**IT IS FURTHER ORDERED** that the Clerk shall remove the motion to compel from the undersigned's December 13, 2006 motion calendar.

Signed at Lafayette, Louisiana, on November 22, 2006.



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Mildred E. Methvin  
United States Magistrate Judge  
800 Lafayette St., Suite 3500  
Lafayette, Louisiana 70501  
(337) 593-5140 (phone) 593-5155 (fax)